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No. LA. 4-305|51.

NOTIFICATION.

The following Bill together with the Statement of Objects and Reasons and the financial memorandum attached to it is published as ordered by the Speaker under Rule 33 of the Legislative Assembly Rules (as modified and adapted by the Speaker under Article 208 read with Article 238 Clause (11) of the Constitution of India).

Legislature Secretariat,
Trivandrum,
10th September 1951.

V. Krishnamoorthi Aiyar,
Secretary, Legislative Assembly.

THE TRAVANCORE-COCHIN STATE AID TO INDUSTRIES BILL.

His Highness the Rajpramukh, in pursuance of clauses (1) and (3) of Article 207 of the Constitution of India read with Article 238 thereof, has been pleased to recommend this Bill.

V. Krishnamoorthi Aiyar.
Secretary Legislative Assembly.

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THE TRAVANCORE-COCHIN STATE AID TO INDUSTRIES BILL.

Preamble.

Whereas it is expedient to make provision for the giving of State aid to industries; It is hereby enacted as follows: —

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

I. (1) This Act may be called the Travancore-Cochin State Aid to Industries Act, 195 .

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint in that behalf.

Definitions.

2. In this Act, unless there be something repugnant in the subject or context,—

(1) "Board" means the Board of Industries constituted under Section 3;

(2) "director" means the Director of Industries, and includes any person appointed by the Government either by name or by virtue of his office, to perform any of the functions of the Director under this Act;

(3) "industry" means any industrial business or enterprise, including agriculture undertaken or conducted by any individual, company, association or body of individuals whether incorporated or not;

(4) "machinery" includes plant, apparatus, tools and other appliances required for the purpose of carrying on any industrial operation or process;

(5) "owner" means the person who owns any industrial undertaking and includes the successors in interest of such person in respect of such undertaking;

(6) "prescribed" means prescribed by rules made under this Act; and

(7) "State aid" means aid given by, or on behalf of the Government under the provisions of this Act and the rules, if any, thereunder.

CHAPTER II.

THE BOARD.

Constitution of a Board of industries.

3. (1) As soon as may be, after the commencement of this Act the Government may constitute a Board of Industries consisting of such number of members not less than seven as the Government may sanction.

(2) The Director of Industries shall *ex-officio* be one of the members of the Board.

(3) The remaining members shall be appointed by nomination by the Government:

Provided that not less than three-fifths of the total number of members sanctioned for the Board shall be non-officials:

Provided further that rules may be made by the Government for any of the non-official members being appointed as the result of any election.

(4) The chairman of the Board shall be appointed by the Government from among the members of the Board.

(5) The appointment, resignation and removal of the chairman and members of the Board shall be published in the Gazette.

Term of office.

4. Subject to the provisions of this Act and the rules thereunder the chairman and members of the Board shall hold office for a term of three years but may be reappointed either by nomination or election:

Provided that notwithstanding the expiration of the term, the chairman and members shall continue to hold office, unless the Government otherwise direct until the vacancy caused by the expiration of the term has been filled up.

Resignation.

5. The chairman or any member of the Board may resign by tendering his resignation in writing to the Government; and on such resignation being accepted by the Government, shall be deemed to have vacated office.

Removal of members.

6. (1) The Government may remove the chairman or any member of the Board if he—

(a) refuses to act or becomes, in the opinion of the Government incapable of acting as a member of the Board;

(b) has been adjudicated insolvent by a competent Court of Law;

(c) is convicted of any such offence or is subjected by any Criminal Court to any such order as in the opinion of the Government implies a defect of character which unfits him to continue to be the chairman or a member, as the case may be, of the Board;

(d) without excuse sufficient in the opinion of the Government, is absent without the consent of the Board from more than three consecutive meetings of the Board; or

(e) contravenes the provisions of Section 9.

(2) The Government may fix a period during which any person so removed shall not be eligible for reappointment either by nomination or by election

Vacancy of chairman or member.

7. When the place of the chairman or of any member of the Board becomes vacant by the expiration of his term, resignation, removal or death, a new chairman or member shall be appointed in his stead by nomination or election as the case may be:

Provided that no act of the Board shall be deemed to be invalid by reason only that the number of members of the Board at the time of the performance of such act was less than the sanctioned number.

8. (1) The chairman shall preside at the meetings of the Board and shall have a second or casting vote in all cases of equality of votes:

Presiding at meetings.

(2) In the absence of the chairman, the members present at the meeting may elect one of their number to preside who shall, while so presiding, have a second or casting vote in all cases of equality of votes.

(3) No business shall be transacted at any meeting of the Board unless one half of the sanctioned number of the members of the Board are present at the meeting.

Interested members not to vote or take part in discussion.

9. No member of the Board shall vote or take part in the discussion of any question coming up for consideration at a meeting of the Board if the question is one in which he or his partner has any direct or indirect pecuniary interest or in which he is interested professionally on behalf of a client or as agent for any person other than the Government, a local authority or a railway company.

Abolition of the Board.

10. If in the opinion of the Government the Board persistently makes default in the performance of the duties imposed on it or exceeds or abuses its powers, the Government may, by notification in the Gazette, abolish the Board, whereupon the chairman and members of the Board shall be deemed to have vacated their offices and all the functions of the Board shall thereafter be exercised by such person or persons as may be appointed in that behalf by the Government until a new Board is constituted by the Government.

CHAPTER III.

General Provisions regarding the giving of State Aid.

Forms of State aid.

11. (1) State aid to any Industry may be in all or any of the following forms, namely:—

(a) the grant of a loan to be secured and repaid in the prescribed manner and upon such terms as may be fixed by the order granting it:

Provided that no such loan shall exceed the prescribed percentage of the net value of the assets of the industry to which it is granted after deducting all encumbrances thereon existing at the time when the application for the loan is made, such value being ascertained by the Director in the prescribed manner:

Provided also that every such loan shall, unless the Government for reasons to be recorded in writing, otherwise direct, be repayable within a period not exceeding twenty years after the date of the advance of the loan or where the loan is advanced in instalments, after the date of the advance of the last instalment:

Provided also that the Government, for reasons to be recorded in writing, may, on the application of the owner of an industry to which such loan has been granted in exceptional cases, vary the terms fixed by the order granting the loan;

(b) the guarantee of a cash credit, overdraft, or fixed advance with a bank;

(c) the taking of fully paid up shares and debentures:

Provided that the amount paid by the Government for such shares and debentures shall not exceed the amount already paid by other persons for shares and debentures in the same industry;

(d) the guarantee of interest on preference shares and debentures;

(e) the guarantee of a minimum return on the whole or part of the capital of a joint stock company;

(f) the grant on favourable terms of land, raw material, firewood water or any other property of the Government;

(g) the payment of a subsidy for—

(i) the conduct of research;

(ii) the purchase of machinery; and

(h) the supply of machinery on the hire-purchase system.

(2) The condition of the grant of any of the forms of State aid specified in clauses (f) and (g) of sub-section (1) shall ordinarily be that the value of the aid granted as ascertained by the prescribed authority in the prescribed manner shall be repaid by the owner of the industry at the expiration of such period of years as may be fixed by the Government or the authority granting the aid if within that period the industry pays or is able, in the opinion of the Government, to pay interest or dividend upon the capital invested in such industry in excess of such rate as may be fixed by the Government or the authority granting the aid.

(3) In no case shall the total value of all State aid granted to an industry as ascertained by the prescribed persons in the prescribed manner exceed the limit specified under the first proviso to clause (a) of sub-section (1).

Industries which may be aided.

12. Subject to the provisions of this Act and the rules thereunder, State aid may be given by the Government or, on behalf of the Government, by any authority prescribed in that behalf—

(a) in any of the forms specified in sub-section (1) of Section 11 to—

(i) a new or nascent industry,

(ii) an industry to be newly established in an area where such industries are undeveloped or are likely to be successful.

(iii) an industry which is likely to become more profitable by an investment of more capital,

(iv) a cottage industry including industries conducted by groups or organisation of artisans, or

(v) such other industrial concerns as in the opinion of the Government deserve State aid to be given in conformity with the provisions of this Act.

(b) in the form specified in clause (h) of the said sub-section to agriculture; and

(c) in the forms specified in clauses (b) and (g) (i) of the said sub-section, to any industry except agriculture:

Provided that no State aid shall be given to any joint stock company unless—

(a) the company is registered in India with a rupee capital; and

(b) the company agrees to maintain the prescribed proportion of Indians as members of its Board of Directors:

Provided further that every recipient of State aid shall make such provision for the training of apprentices as may be prescribed.

Application for State aid.

13. (1) Applications for State aid shall be made to the Director in such manner and shall contain such particulars as may be prescribed.

(2) The Director shall make such inquiries, if any, as are prescribed by the Government and such other inquiries as he thinks are necessary on every such application.

(3) Every application shall thereafter be placed with the remarks of the Director together with all the connected papers before the Board at a meeting for its opinion.

(4) If the Board at the meeting is of opinion that any application should not be granted, that application shall be deemed to have been rejected and no further action shall be taken on that application.

(5) In all other cases the Director shall submit to the Government the application and the opinion of the Board and all the connected papers together with such remarks, if any, as he has himself to make.

Inspection and returns.

14. The Owner of any industry—

(i) when an application has been made for State aid to such industry; or

(ii) during the continuance of State aid to such industry in any of the forms specified in clauses (a), (b), (c), (d) and (e) of sub-section (1) of Section 11 shall;—

(a) comply with any general or special order of the Government relating to the Inspection of the premises, buildings or plant or stock-in-trade employed or to be employed for the purposes of the Industry;

(b) permit the inspection by the prescribed person of all accounts relating to the industry;

(c) submit the accounts relating to the industry to such audit as may be prescribed;

(d) furnish in the prescribed manner to the prescribed person full returns of all products manufactured and sold both as regards description and quantity;

(e) maintain such special accounts as may be prescribed; and

(f) furnish such statements as the Government may require,

15. (1) During the continuance of State aid to any industry the profits of such industry shall if distributed, be distributed only after interest due on debentures and loans has been paid and a reasonable amount has been set a side for depreciation or obsolescence of machinery and buildings and a further reasonable amount has been carried to reserve fund to be utilised in the prescribed manner.

Disposal of profits during continuance of State aid.

(2) No dividend shall be paid to shareholders and no profit shall be taken by the owner in excess of such percentage rate upon the amount of the paid-up capital invested in the industry as the Government may fix from time to time during the continuance of State aid to the industry.

16. If at any time the amount of any loan outstanding together with such interest as may be due thereon on account of any State aid given is found to exceed the percentage fixed under the first proviso to clause (a) of sub-section (1) of Section 11, the Government may either recover so much of such balance as is in excess of such percentage or accept such additional or collateral security as it may deem sufficient.

Power of Government to adjust security during currency of loans.

17. If the Government decide for reasons to be recorded in writing to terminate the aid in respect of an industry on any of the following grounds, namely :—

Power of Government to terminate aid on account of fault.

(i) that any portion of the aid given has been misapplied, or

(ii) that there has been a breach by the industry of the provisions of this Act, or of any rule made thereunder or of any condition of the grant, or

(iii) that the application on which the aid has been granted contained or was accompanied by, any material statement by the owner which he knew to be false, or any intentional concealment by him of any material fact, which in the opinion of the Government it was his duty to disclose, or that any such false statement or concealment was intentionally made in any inquiry made under this Act by, or with the connivance of the owner, or in any return under this Act, or in reply to any requisition for information under this Act, or

(iv) that the industry is being managed in such a manner as to endanger the repayment of the value of State aid granted thereto repayable under this Act.

The Government may make an order that the aid be terminated and notwithstanding anything contained elsewhere in this Act or in any other law, may proceed to recover from the owner—

(a) the whole amount of any loan outstanding together with such interest as may be due thereon, or

(b) in cases where the aid is given otherwise than by loan, the money value of the grant as fixed at the time when it was made, together with interest at a rate not exceeding twelve per cent. from the date of the grant till the date of realisation, and

(e) in the cases mentioned in (a) or (b) the cost of recovery, and, if the Government so direct the cost of any inquiry made in connection therewith;

and such order shall be final and no suit shall be brought in any Civil Court to set aside or modify such order:

Provided that no such order shall be passed without inviting the opinion of the Board and without giving the owner an opportunity to show cause why action should not be taken under this section.

Fees.

18. The Government may charge in respect of applications, inquiries, inspections and audit by whomsoever made under this Act, such fees, if any, as may be prescribed. Arrears of such fees shall be recoverable from the owner.

Supervision of assisted industry.

19. During the continuance of State aid to an industry in any of the forms specified in clauses (a), (b), (d) and (e) of sub-section (1) of Section 11 the Government may by appointing directors or inspectors, or otherwise take such steps as they deem advisable so to control the conduct of the industry as to safe-guard the interests of the Government therein.

CHAPTER IV.

SPECIAL PROVISIONS RELATING TO THE GIVING OF STATE AID BY THE SUPPLY OF MACHINERY ON THE HIRE-PURCHASE SYSTEM.

Percentage of value to be deposited by hirer.

20. No machinery shall be supplied on the hire-purchase system unless the applicant therefor deposits with the Director such percentage of the value thereof as may be prescribed.

Particulars to be specified in the order when application is allowed.

21. When an application for the supply of machinery on hire-purchase system is allowed the Director shall, subject to and in accordance with any rules that may be made under this Act, make an order specifying the following particulars namely:—

(a) the amount of each instalment of rent to be paid for the hire of the machinery and the number of such instalments to be paid before the machinery shall become the property of the hirer;

(b) the amount of interest, if any, to be paid with each instalment of rent on the remaining unpaid instalments;

(c) the dates on which and the manner in which the aforesaid payments shall be made; and

(d) such other particulars as may be prescribed.

22. Until the hiring is terminated in the manner hereinafter provided the following provisions shall apply, namely:—

Conditions of supply of machinery on hire-purchase system.

(a) The hirer shall pay punctually without demand the instalments of rent and amount of interest specified in the order referred to in Section 21.

(b) The hirer shall retain the machinery in his own possession in good and serviceable order and condition and shall not without the previous written consent of the Director either make any addition thereto or alteration therein, or remove the machinery from the premises specified in the application for the supply thereof.

(c) The machinery shall remain the sole and absolute property of the Government and any transfer thereof or assignment of any right, title or interest therein or the creation of any mortgage, encumbrance or any charge thereon by the hirer shall be void unless it has been made with the previous written consent of the Director.

(d) The machinery shall not be liable to distraint attachment or sale by any process under any law, for the time being in force, without the written sanction of the Government.

(e) The machinery shall bear a metal plate in the prescribed form and any person who wilfully removes or defaces such plate shall be liable on conviction before a Magistrate to a fine not exceeding five hundred rupees.

(f) The hirer shall permit the Director or any person authorised by the Director in this behalf to inspect the machinery at all reasonable times and the Director or such other person shall have all such powers of entry as may be necessary for the purpose of making an inspection.

(g) In addition to the foregoing conditions the hirer shall be bound by such other conditions not inconsistent therewith as may be prescribed by Government or may in any particular case be imposed by the Director.

Consequences of default by hirer.

23. If the hirer makes default in paying the rent of the machinery or any sum payable as interest or any other charges due from him under this Act, or fails to comply with any of the conditions contained in or that may be prescribed or imposed under Section 22 the Director may immediately terminate the hiring and he or any other officer authorised by him in this behalf may thereupon enter the premises in which the machinery is for the time being kept whether such premises belong to the hirer or not, and seize and remove the same.

Option of hirer to purchase machinery seized for default.

24. If the machinery is seized and removed under Section 23, the hirer shall have the option to be exercised within one month after such seizure, or such longer period as may be allowed to the Director in this behalf, of purchasing the same by payment to the Director of the unpaid balance of the value thereof such proportion of interest on such value as may be prescribed and the cost of and the expenses incidental to such seizure and removal.

25. The hirer may at any time terminate the hiring by returning the machinery to the Government in the prescribed manner.

Termination of hiring by hirer.

26. If the Director terminates the hiring under Section 23 and the hirer does not exercise the option of purchasing the machinery under Section 24 or if the hirer returns the machinery to the Government under Section 25, the hirer shall not be entitled to the refund of the sum deposited by him under Section 20 or to the refund or remission of any payment made by or due from him during the period of hiring, and shall be liable to pay such amount, if any as the Director may determine in respect of any loss or damage, other than by reasonable wear and tear, that may have been caused to the machinery during the hiring.

Liability of hirer on termination of hiring under Sections 23 and 25.

27. When after credit has been given for the amount deposited under Section 20 the hirer has paid in full all the instalments of rent mentioned in clause (a) of Section 21 and the amount of interest, costs and other charges payable by him, he shall become the owner of the machinery and shall thereupon remove from the same and metal plate mentioned in clause (e) of Section 22:

Termination of hiring on payment of cost of machinery.

Provided that if at any time during the hiring the hirer pays in advance the remaining instalments of rent the Interest payable in respect thereof shall be remitted.

28. If the hirer wilfully omits, after receiving due notice, to remove the metal plate from any machinery which has become his property under Section 27 he shall be liable on conviction before a Magistrate to a fine not exceeding fifty rupees and it shall be lawful for any person acting under the orders of the Director to enter the premises where the machinery is kept and remove the plate.

Penalty for omission to remove metal plate when machinery becomes property of hirer.

29. The Government may revise any order passed by the Director under this chapter. Subject to such revision the order of the Director shall be final.

Revision.

CHAPTER V.

MISCELLANEOUS.

30. (1) All loans and other sums payable or recoverable under this Act including any interest chargeable thereon and costs if any incurred if not paid when they are due shall be recoverable under the law for the time being in force as if they were arrears of public or land revenue from the person aided and his surety if any and the assets of the industry aided.

Methods of recovery of money due.

(2) When any sum due as aforesaid is paid by the surety or is recovered from him or out of his property, the Collector may on the application of the surety, so far as is possible recover the same from the person aided as if it were an arrear of public or land revenue and pay it to the surety.

31. (1) The decision of the Government as to whether the conditions laid down in or under any of the provisions of this Act or the rules thereunder have been satisfied and the orders of revision under Section 29 shall be final, and no suit shall be brought in any Civil Court to set aside or modify any such decision or order.

Finality of decision of Government and protection of persons acting under this Act.

(2) No prosecution, suit or other proceeding shall lie against the Government or any officer of the Government or other authority vested with powers under this Act for anything in good faith done or intended to be done thereunder.

32. Every person who acts on behalf of the Government under this Act including every person who conducts an inquiry under this Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

Persons acting under this Act to be deemed public servants.

33. Whoever wilfully acts in contravention of the provisions of Section 9 or Section 14 shall without prejudice to any other penalty or liability he may incur be liable on conviction before a Magistrate of the first class to a fine not exceeding two hundred and fifty rupees.

Penalty.

34. The Government may, subject to previous publication, make rules consistent with this Act for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:—

(*a*) the election of members of the Board under Section 3;

(*b*) the conditions, privileges and tenure of membership of the Board;

(*c*) the functions of the Board whether specified in this Act or not;

(*d*) the time and place of meetings of the Board, the manner in which notice of meetings shall be given, the conduct of proceeding at the meeting, the division of duties among the members, the appointment, duties and procedure of special committees consisting wholly of members of the Board or partly of such members and partly of other persons, the appointment, punishment and dismissal of officers and servants under the Board and the preparation and submission to the Government of the minutes of the Board;

(*e*) the manner of securing and repaying the loans referred to in clause (*a*) of sub-section (1) of Section 11;

(*f*) the manner of ascertaining the value of the assets referred to in clause (*a*) of sub-section (1) of Section 11;

(*g*) the manner of taking security for the State aid referred to in clauses (*b*), (*d*) and (*e*) of sub-section (1) of Section 11 and the

conditions under which and the manner in which the moneys due from any industry by reason of such State aid should be repaid;

(*h*) the authority by which and the manner in which the values referred to in sub-sections (2) and (3) of Section 11 shall be ascertained;

(*i*) the proportion of members referred to in clause (*b*) of the first proviso to Section 12;

(*j*) the provisions for training referred to in the second proviso to Section 12;

(*k*) the manner of the application for State aid and the particulars that they should contain, the inquiries which the Director shall make on applications and the form in which the Director shall make his remarks and place them before the Board and submit the papers to the Government under Section 13;

(*l*) the person referred to in clause (*b*) of Section 14, the audit referred to in clause (*c*) of Section 14, the person to whom and the manner in which the returns referred to in clause (*d*) of Section 14 shall be furnished and the accounts referred to in clause (*e*) of Section 14;

(*m*) the manner of utilising the amount carried to reserve fund under sub-section (1) of Section 15;

(*n*) the fees referred to in Section 18;

(*o*) the conditions of the supply of machinery on hire-purchase system under clause (*h*) of Section 22;

(*p*) the form of the metal plates referred to in Section 22 and their seizure and removal; and

(*q*) the proportion of the interest on the value of the machinery payable under Section 24.

Repeal.

35. The Travancore State Aid to Industries Act, IV of 1107 and the Cochin State Aid to Industries Act, X of 1111 are hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The giving of State aid to industries is regulated in the Travancore area by the Travancore State Aid to Industries Act, IV of 1107, and in the Cochin area by the Cochin State Aid to Industries Act, X of 1111. The provisions contained in the two enactments however are to some extent different. It is considered necessary to enact a uniform law applicable to the whole State. Hence the Bill.

The Bill is drawn up on the lines of the Travancore State Aid to Industries Act, IV of 1107. The object of the Bill is to regulate the giving of State aid to certain industries. The classes of industries which are eligible to State aid are (i) a new or nascent industry; (ii) an industry to be newly established in an area where such industries are undeveloped or are likely to be successful; (iii) a cottage industry including industries conducted by groups or organisations of artisans; (iv) an industry which is likely to become more profitable by an investment of more capital; and (v) such other industrial concerns as

in the opinion of Government deserve State aid. State aid will be given in the shape of loans, guarantees, supply of machinery on hire purchase system etc. For the purpose of judging which Industry is eligible to State aid, a Board consisting of a non-official majority with the Director of Industries as an ex-officio member will be constituted. No aid to any industry will be given unless such aid is recommended by the Board. Suitable provisions have been made in the Bill for the control and supervision of the industries aided, for the recovery of the value of the aid given and for the inspection and auditing of the accounts of the industries. Appropriate safeguards to see that the money advance is properly used by the industry have also been provided for.

C. KESAVAN,

FINANCIAL MEMORANDUM.

It is not possible to state with any definiteness what amount of money would be required to administer the provisions of the Bill. Aids given as loans, etc. do not involve actual expenditure. They are only advances to be subsequently recouped. The actual items of expenditure under the provisions are T. A., D. A. etc. to be paid to the members of the Board of Industries, to be constituted under Clause 3 and also the subsidies to be granted under sub-clause (1) (g) of Clause 11. Here also it is not possible to state with any definiteness the actual amount to be spent from year to year, since that may depend upon the number of applications etc. The expenditure for T.A. of Members of Taluk Committees, subsidies and free grant incurred under the Cochin Act for the last five years has varied from Rs. 925 to Rs. 22,120 while no expenditure under these heads was incurred under the Travancore Act during the said period.

No. LA. 4-332/51. NOTIFICATION.

The following Bill together with the Statement of Objects and Reasons is published as ordered by the Speaker under Rule 33 of the Legislative Assembly Rules (as modified and adapted by the Speaker under Article 208 read with Article 238, clause (11) of the Constitution of India.)

Legislature Secretariat,
Trivandrum,
10th September 1951.

V. Krishnamoorthi Aiyar,
Secretary, Legislative Assembly.

THE TRAVANCORE-COCHIN HIGH COURT ACT (AMENDMENT) BILL.

Preamble.

Whereas it is deemed necessary to amend the Travancore-Cochin High Court Act, 1125 (Act V of 1125) for the purposes hereinafter appearing;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Travancore-Cochin High Court (Amendment) Act, 1951.

(2) It shall come into force at once.

Substitution of preamble Act V of 1125.

2. For the preamble to the Travancore-Cochin High Court Act 1125 (Act V of 1125); hereinafter referred to as the Act, the following shall be substituted:—

Preamble.

"Whereas it is necessary to make provision regulating the business of the High Court of Travancore-Cochin, for fixing the jurisdiction and powers of single Judges, Division Benches and Full Benches and for certain other matters connected with the functions of the High Court;

It is hereby enacted as follows:

Deletion of heading.

3. The Heading "Part I, Preliminary" occurring before Section 1 of the Act shall be deleted.

Substitution of Section 1, Act V of 1125.

4. For Section 1 of the Act, the following shall be substituted:—

Short title.

"1. This Act may be called the Travancore-Cochin High Court Act, 1125."

5. Section 4 of the Act shall be deleted.

Deletion of Section 4, Act V of 1125.

6. The heading "Part II, Constitution of the High Court" occurring before Section 5 of the Act shall be deleted.

Deletion of heading.

7. Section 5 of the Act shall be deleted.

Deletion of Section 5, Act V of 1125.

8. In Section 6 of the Act, the words "shall be a Court of record and" shall be deleted.

Amendment of Section 6 Act V of 1125.

9. For Section 7 of the Act, the following shall be substituted, namely: —

Substitution of Section 7, Act V of 1125.

"7. Notwithstanding any vacancy in the office of any Judge of the High Court, a single Judge, a Division Bench of two Judges or a Full Bench may exercise the jurisdiction and powers respectively conferred on them by Sections 18 to 24 of this Act.

Jurisdiction exercisable notwithstanding vacancy in office of Judge.

10. Sections 9, 10, 11, 12, 13, and 14 of the Act shall be deleted.

Deletion of Sections 9 to 14, Act V of 1125.

11. Section 17 of the Act shall be deleted.

Deletion of Section 17, Act V of 1125.

12. The Heading "Part III. Jurisdiction of High Court" occurring before Section 18 of the Act shall be deleted.

Deletion of Heading.

13. Sub-sections (2), (3) and (4) of Section 18 of the Act shall be deleted.

Amendment of Section 18, Act, V of 1125.

14. In Section 19 of the Act, for the words "constituted under this Act" occurring at the end, the words "of the State of Travancore-Cochin" shall be substituted.

Amendment of Section 19, Act V of 1125.

15. In clause (4) of Section 20 of the Act,-(1) in sub-clause (A), for item (iv) the following shall be substituted. 1

Amendment of Section 20, Act V of 1125.

"(iv) Under Section 115 of the Code of Civil Procedure, 1908 ; " ;

(2) In sub-clause (A), for item (vii), the following shall be substituted: —

"(vii) for the exercise of the powers conferred by Sections 426 and 498 of the Code of Criminal Procedure, 1898;";

(3) in sub-clause (A), for item (x), the following shall be substituted: —

"(x) for the exercise of the powers conferred by clause (1) of Article 226 of the Constitution of India read with Article 238 thereof;"; and

(4) for sub-clause (C), the following shall be substituted: —

"(C) every appeal valued at one thousand rupees or less from an appellate decree and every appeal from an appellate order where the subject matter of the original suit is valued at one thousand rupees or less:

Provided always that it shall be lawful for such Judge to refer any such application or appeal for the decision of a Division Bench of two Judges or of a Full Bench."

16. In Section 21 of the Act,—

Amendment of Section 21, Act V of 1125.

(1) for clause (i) the following shall be substituted: —

"(i) to hear and decide appeals against orders passed by a single Judge under sub-clause (A) (x) of clause (4) of Section 20; to hear and decide appeals against judgments passed by a single judge under sub-clause (B) of clause 4 of Section 20 where the judge who passed the judgment declares that the case is a fit one for appeal and to hear and decide applications or appeals or other proceedings that a single Judge may refer under Section 20;"

(2) in sub-clause (a) of clause (ii), the words "except the appeals provided for in Section 25" occurring at the end, shall be deleted;

(3) for sub-clause (b) of clause (ii) the following shall be substituted: —

"to hear and decide all appeals preferred from such orders as are provided in Section 104 of the Code of Civil Procedure, 1908, of a single judge of the High Court passed inexercise of the original jurisdiction ; " ; and

(4) for clause (vi), the following shall be substituted :—

"to hear and determine applications under Section 491 of the Code of Criminal Procedure, 1898; and"

17. The proviso to Section 24 of the Act shall be deleted.

Amendment of Section 24, Act V of 1125.

18. Section 25 and 26 of the Act shall be deleted.

Deletion of Sections 25 and 26, Act V of 1125.

19. The Heading "Part IV, Administrative functions of the High Court" occurring before Section 27 of the Act shall be deleted.

Deletion of Heading.

20. For Section 27 of the Act, the following shall be substitued:

Substitution of new Section for Section 27, Act V of 1125.

"27. It shall be competent for the High Court to depute a Judge of the said court to visit the subordinate courts, to correct the errors of their procedure and practice, and generally to examine and report on the working of the subordinate courts."

Deputation of Judge to visit subordinate courts.

21. Section 28 of the Act shall be deleted.

Deletion of Section 28, Act V of 1125.

22. The Heading "Part V, Miscellaneous" occurring before Section 29 of the Act shall be deleted.

Deletion of Heading.

23. For Section 30 of the Act, the following shall be substituted :—

Substitution of new Section for Section 30, Act V of 1125.

"30. The conduct of the business in the High Court shall be regulated by the Chief Justice."

Regulation of business in the High Court.

24. In Section 32 of the Act, the words "and in the Courts subordinate to the High Court" shall be deleted.

Amendment of Section 32, Act V. of 1125.

STATEMENT OF OBJECTS AND REASONS.

Section 25 of the High Court Act provides that a Full Bench shall hear and decide all appeals from the decree of the District Courts or Courts of Subordinate Judges or of a single Judge of the High Court in suits in which the amount or value of the subject-matter is not less than Rs. 5,000. It is proposed to delete this provision so that it may be competent for Division Benches to hear all appeals without limitation of value. It is also proposed to confer on the single Judge of the High Court, power of hearing Second and Miscellaneous appeals valued at Rs. 1,000 and less. To implement these proposals the Act has to be suitably amended. Provisions regarding the Constitution of High Court, salaries of Judges etc., are now governed by the Constitution of India. Corresponding provisions in the High Court Act which was enacted before the commencement of the Constitution have been rendered infructuous. Opportunity has been availed of to delete these provisions also from the Act. Hence the Bill.

C. KESAVAN.

REGISTERED No. T. 10. REGISTERED No. M. 4331.

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NOTIFICATION

No. EL1-312|51|Law. *31st August 1951.*

In pursuance of Sub-rule (2) of Rule 96 of the Cochin Legislative Assembly Electoral Rules 1123, read with Article 388 (2) of the Constitution of India and paragraph 6 of the Provisional State Legislatures (Casual vacancies) Order, 1950, Government hereby notify that Sry. Thankamma N. Menon, daughter of Kottiyezhathu Kavukutty Amma, has been duly elected for the Ernakulam Women Constituency.

By order of His Highness
the Raj Pramukh,

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

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